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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,490
Filing Date: September 30, 2003
Appellant(s): KARAOGUZ ET AL.

Ognyan I. Beremski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 7, 2011 ("Brief") appealing from the Office action mailed November 9, 2010 ("Office Action").

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
Claims 1-37 are pending and have been finally rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 2002/0104099 A1	Novak	08-2002
6,628,303 B1	Foreman et al.	09-2003
7,284,032 B2	Weber	10-2007

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7, 10, 11-17, 20, 21-27, 30-32, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (US Patent Application Publication

2002/0104099 A1), in view of Foreman et al, United States Patent (6,628,303 B1) hereinafter “Foreman”.

In reference to Claim 1, Novak teaches a method for producing and delivering media content (as shown in Figs. 4 and 11; with further reference to the descriptions of Paragraphs [0056-0060; 0077-0086]), the method comprising:

establishing a personal television channel at a first geographic location (“Joe’s TV Channel” as shown in Figs. 6-9 created by the method of Figs. 4 and 11; With further reference to the operations of Upload Source 122, as described in Paragraphs [0039,0040,0041,0046,0055,0056, 0068,0070,0074, and 0080]), said personal television channel associated with existing media content (“Joe’s TV Channel” with associated with media objects, as shown in Fig. 7 and described in Paragraph [0039,0064]);

creating metadata associated with said existing media content (Fields 706 of Fig. 7 allow an individual to enter media object information or preferences, such as identifiers for date, time slot, media object identifier (ID), media object description, or file type, as described in Paragraph [0063-0067]);

However, Novak does not clearly disclose modifying said existing media content with additional media content to produce a media program, wherein said metadata is created previously to said modifying; and editing, at said first geographic location, said previously created metadata associated with said media content, said editing based on said additional media content.

In a similar field of invention, Foreman teaches a graphical user interface for producing a video program using planning, capturing, editing, and recording functions (Abstract, Col. 4 Lines 16-33). Foreman further discloses the Interface 56 of Fig. 9, which allows a user to modify existing media content with additional media content such as transitions between clips (using effects tab Interface 153, as described in Col. 15 Lines 13-39; with further reference to Fig. 10), titles (using titles tab Interface 154, as described in Col. 15 Line 40—Col. 16 Line 7; with further reference to Fig. 11), and sounds such as voice-over commentary (using sound tab Interface 155, as described in Col. 16 Lines 8-27; with further reference to Fig. 12 and Interface 220). Additionally, Fig. 16 of Forman demonstrates “an example operation in which the clip descriptions and shot descriptions are synchronized” (Col. 10 Lines 56-58). In particular, at Step 226 of Fig. 16 metadata is associated with a media program (“Associate Data File With a Clip” of Fig. 16, as described in Col. 10 Lines 60-65). Then at Step 230, a process of editing the previously created metadata (from Step 226) is performed based on additional media content (“description modifies its duration and pointer to reference the new clip description”, as shown in Fig. 16 and described in Col. 10 Line 65—Col. 11 Line 2; with further reference to Col. 11 Line 3—Col. 12 Line 31).

Both Novak and Foreman teach methods and systems for generating a media program from existing media content with associated metadata. Novak discloses a method of allowing an individual to control aspects of the media program such as content type, length, sequence, and availability (Paragraph [0025, 0063-0067]). Foreman discloses a method similar to Novak and further provides an interface allowing

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a user to modify aspects of individual clips with additional content such as transitions and voice-over commentary (as presented above). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of personal media program generation taught by Novak with the method of modifying media content with additional content, as taught by Foreman, in order to provide the user with the ability to further personalize the media presentation with content such as voice-over commentary.

The combination of Novak and Forman additionally teaches associating said produced media program and said edited metadata with said established personal television channel (Novak: EPG 802 of Fig. 8 and EPG 152 of Fig. 9, which show “Joe’s TV Channel” in association with the broadcast times and Conventional Television Broadcast Channels of EPG 802, as described in Paragraphs [0071,0072]); and

communicating said produced media program along with said edited metadata to another geographic location (Novak: “Joe’s TV Channel” is then communicated to the end user of STB 152 according the schedule times established by Upload Source 122, as described in Paragraphs [0059,0072]. In addition, the metadata edited by Upload Source such as program titles, scheduled broadcast times, and object IDs are communicated with the program content to the end user, as shown in Figs. 8 and 9, which correspond to the data of Fig. 7).

In reference to Claim 2, the combination of Novak and Foreman teaches the method of Claim 1, comprising acquiring prior to said edition, said metadata associated

with the media content (Novak: the File Type, shown in Fig. 7 and described in Paragraph [0064] is available to the upload individual prior to editing the media content).

In reference to Claim 3, the combination of Novak and Foreman teaches the method of Claim 2 wherein the acquired metadata is one or both of program metadata and/or primitive metadata (Novak teaches program metadata, such as Fields 704 and 706 as described in Paragraphs [0063-0070]).

In reference to Claim 4, the combination of Novak and Foreman teaches the method of Claim 1 comprising delivering said produced media program along with said edited metadata from said first geographic location to a second geographic location, for displaying at said second geographic location (Novak: upload individual at Upload Source 122, which can be a set top box, provides the programming of "Joe's Channel" to an end user at STB 152 for display in EPG 152, as described in Paragraphs [0073-0075] and shown in Fig. 9; with further reference to [0032,0039] and Fig. 1).

In reference to Claim 5, the combination of Novak and Foreman teaches the method of Claim 2 comprising updating the acquired metadata associated with media content to reflect at least a portion of changes associated with the modifying (Novak: "obtaining program updates" and "provisioning of the synthetic channel" in EPG 152, as described in Paragraphs [0059]; with further reference to Paragraph [0083] "updated EPG 153" performed at Block 1112 of Fig. 11).

In reference to Claim 6, the combination of Novak and Foreman teaches the method of Claim 5 comprising displaying at least a portion of the produced media program (Novak: Media Program Display 1002 of Fig. 10, displaying a synthetic channel or media program, as described in Paragraph [0076]).

In reference to Claim 7, the combination of Novak and Foreman teaches the method of Claim 1 wherein the modifying comprises augmenting and editing the media content (Novak: Interface 702 of Fig. 7 allows schedule information, such as the broadcast date or time slot, and program information, such as description and cast, to be modified by the uploading individual, as described in Paragraph [0063]. In addition, Foreman teaches insertion, deletion, and trimming operations for adding and removing frames or clips, as described in Col. 12 Lines 32-44 and shown in Figs. 17a-24m).

In reference to Claim 10, the combination of Novak and Foreman teaches the method of Claim 1 comprising synchronizing the modified media content for presentation in the personal television channel (Novak: content modified by uploading individual is synchronized to the time axis of EPG 152 based on the associated time slots of "Joe's TV Channel", as shown in Figs. 8 and 9; with further reference to Paragraphs [0063,0071-0075]).

In reference to Claim 32, the combination of Novak and Foreman teaches the method according to claim 1, wherein said communicating comprises pushing said produced media program along with said edited metadata directly to said another geographic location, for consumption at said another geographic location (Novak: upload individual at Upload Source 122, which can be a set top box, provides the programming of "Joe's Channel" to an end user at STB 152 for display in EPG 152, as described in Paragraphs [0073-0075] and shown in Fig. 9; with further reference to [0032,0039], Fig. 1, and Fig. 11 as described in Paragraphs [0077-0086]).

In reference to Claim 11, the combination of Novak and Foreman teaches a non-transitory computer-readable medium having stored thereon, a computer program having at least one coded section for producing and delivering media content (Novak: the method of Fig. 11 is stored on and executed from a machine-readable media as part of STB 152 or other local storage unit, as disclosed in Paragraph [0077]; with further reference to "token" program described in Paragraph [0058]), that is executable by a machine (Novak: STB 152, as described in Paragraph [0077]) to perform the method of Claim 1 (as addressed above).

The limitations of Claim 12 have been addressed with Claims 2 and 11.

The limitations of Claim 13 have been addressed with Claims 3 and 11.

The limitations of Claim 14 have been addressed with Claims 4 and 11.

The limitations of Claim 15 have been addressed with Claims 5 and 11.

The limitations of Claim 16 have been addressed with Claims 6 and 11.

The limitations of Claim 17 have been addressed with Claims 7 and 11.

The limitations of Claim 20 have been addressed with Claims 10 and 11.

The limitations of Claim 34 have been addressed with Claims 32 and 11.

In reference to Claim 21, the combination of Novak and Foreman teaches a system for producing and delivering media content (Novak: Figure 1, as introduced in Paragraph [0025]), the system comprising a processor (Novak: STB 152 executing the flow diagram of Fig. 11 as described in Paragraphs [0077-0086]) for executing the method of Claim 1 (as addressed above).

The limitations of Claim 22 have been addressed with Claims 2 and 21.

The limitations of Claim 23 have been addressed with Claims 3 and 21.

The limitations of Claim 24 have been addressed with Claims 4 and 21.

The limitations of Claim 25 have been addressed with Claims 5 and 21.

The limitations of Claim 26 have been addressed with Claims 6 and 21.

The limitations of Claim 27 have been addressed with Claims 7 and 21.

The limitations of Claim 30 have been addressed with Claims 10 and 21.

In reference to Claim 31, the combination of Novak and Foreman teaches the system according to Claim 21, wherein the at least one processor is a media processing system processor (Novak: STB 152 executing the flow diagram of Fig. 11 as described in Paragraphs [0077-0086]).

The limitations of Claim 36 have been addressed with Claims 32 and 21.

Claim 8, 9, 18, 19, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Novak and Foreman, in view of Weber, United States Patent (7,284,032).

In reference to Claim 8, The combination of Novak and Foreman teaches the method of Claim 1 and further teaches that metadata associated with media content is periodically updated to reflect changes made to the EPG 152 (as Novak describes in Paragraphs [0059,0083]), but the combination does not explicitly teach determining whether a media program comprises the modified media content.

In a similar field of invention, Weber teaches a method and system for enabling a user to define a data segment, record the data segment, and transmit the information associated with the data segment to a remote location (Abstract). In addition, Weber teaches a “highlight guide”, shown in Fig. 3, that is used to display information regarding segments that have been defined by a user and recorded by PVR 11, 21, 31 (as described in Col. 4 Lines 6-39). Weber’s further teaches a method of detecting modified content that has been added to the highlight guide (as shown in Step 503 of Fig. 5 and described in Col. 6 Lines 12-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the personal media channel containing modified media content and associated metadata, as taught by the combination of Novak and Foreman, with a means for determining if the media content has been modified, as taught by Weber, in order to provide the end user with the most up to date content. In addition, the

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detection of modified content would allow the end user to decide whether to accept or reject the updated content (as Weber discusses in Col. 6 Lines 12-35).

In reference to Claim 9, the combination of Novak, Foreman, and Weber teach the method of Claim 8 comprising, if the media program comprises the modified media content, processing the media program based on metadata associated with the modified media content (Weber teaches that if a modified segment is detected at Step 503, the highlight guide is updated at Step 504, as described in Col. 6 Lines 12-35; with further reference to Fig. 4 and Col. 5 Lines 12-49 describing the process of editing and generating metadata corresponding to the media content).

In reference to Claim 18, the combination of Novak, Foreman, and Weber teach these limitations, as addressed in Claim 11 and Claim 8.

In reference to Claim 19, the combination of Novak, Foreman, and Weber teach these limitations, as addressed in Claim 11 and Claim 9.

In reference to Claim 28, the combination of Novak, Foreman, and Weber teach these limitations, as addressed in Claim 21 and Claim 8.

In reference to Claim 29, the combination of Novak, Foreman, and Weber teach these limitations, as addressed in Claim 21 and Claim 9.

Claim 33, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Novak and Foreman, in view of Applicant's admission of fact (See Office action mailed January 21, 2010 Page 5).

In reference to Claim 33, the combination of Novak and Foreman teaches the method according to Claim 32. Novak additionally discloses that Upload Source 122 can comprise a set top box and function as an "individual", an "organization", or a "consumer", as disclosed in Paragraphs [0039,0056] and the STB 152 is operated by an end user, as disclosed in Paragraphs [0032,0069]. However, it is unclear with in the disclosures of Novak and Foreman if the first and second geographic locations are residential locations.

Applicant's admission of fact provides that that one of ordinary skill in the art at the time of the invention would have recognized that it is common practice in the art of video distribution to operate set-top box devices in residential locations. One of ordinary skill in the art would have been motivated to operate a set-top box in a residential location in order to distribute multimedia content to locations where people live.

The limitations of Claim 35 have been addressed with the non-transitory computer readable medium of Claim 11 and the method of Claim 33.

The limitations of Claim 37 have been addressed with the system of Claim 21 and the method of Claim 33.

(10) Response to Argument

The Examiner respectfully disagrees that the rejection should be reversed. Only those arguments having been raised are being considered and addressed in the Examiner's Answer. Any further arguments regarding other elements or limitations not specifically argued or any other reasoning regarding deficiencies in a prima facie case of obviousness that the Appellant could have made are considered by the Examiner as having been conceded by the Appellant for the basis of the decision of this appeal. They are not being addressed by the Examiner for the Board's consideration. Should the panel find that the Examiner's position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue is of need of further explanation, it is respectfully requested that the case be remanded to the Examiner for further explanation prior to the rendering of a decision.¹

Discussion of the Rejections of Independent Claims 1, 11, and 21 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

Appellant presents (Brief Pages 7-20) that the combination of Novak and Forman does not disclose or suggest:

“modifying said existing media content with additional media content to produce a media program, wherein said metadata is created previously to said modifying; and editing, at the first location, said editing based on said additional media content”

because “1. Foreman’s Storyboard Descriptions Are Not Previously Created Metadata Associated with Media Content” and “2. Foreman’s FIG. 16 Does Not

Disclose Editing of Previously Created Metadata” (Brief Pages 11-12; with further reference to Brief Pages 14-20). Regarding the teachings of Foreman, Appellant particularly notes that “...when the storyboard shot descriptions 87 are created, they are not metadata (or ‘previously created metadata’) as they are not associated with any video data (as there is no video brought in for editing)” (Brief Page 11) and “...prior to capturing the video data, the storyboard shot descriptions 87 simply form an outline and cannot be considered a metadata as they are not actually associated with any video data” (Brief Page 12). The Examiner respectfully disagrees.

The Examiner has previously presented that Novak teaches “creating metadata associated with said existing media content” (Office Action Page 8 and quoted by Appellant in Brief Page 8). In particular, the Examiner has cited that Fields 706 of Figure 7 allows an individual to enter media object information or preferences, such as identifiers for date, time slot, media object identifier (ID), media object description, or file type (as Novak describes in Paragraphs [0063-0067]). Regarding Fig. 7, Novak discloses that “[a] plurality of headings 704 identifies a corresponding plurality of fields 706 where the individual can enter media object information or preferences. As an example, the headings 704 can include identifiers for date, time slot, media object identifier (ID), media object description, file type, preview video, etc.” (Novak Paragraph [0063]).

The Examiner submits Paragraph [42] of the instant application as an example of Appellant intended meaning of “metadata associated with said existing media content”:

¹ See 37 CFR 41.50(a)(1) and MPEP 1211.

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In instances where a user may perform personal media program production on raw media content, such as digital pictures, an associated file comprising metadata information may also be updated as part of the media program production process. Metadata may be created by the media exchange software platform and may contain information that may describe various characteristics and attributes of the associated media content. Additionally, whenever a user may select media content for consumption, metadata related information may inform the media exchange software platform of the characteristics and attributes of the selected media content. Accordingly, the media exchange software platform may properly process the media content for consumption. Metadata information may be meaningful with regards to the raw media content that it may describe. For example, metadata may be utilized to inform a media exchange software platform of a title that should be placed in the channel view, options that should be presented in sub-menus, and the amount of time that may be allocated for queuing media content.

As underlined in the above passage, the disclosure of the instant application explicitly states that “a title that should be placed in the channel view” is a form of metadata. Therefore, it is the Examiner’s position that Novak clearly demonstrates “creating metadata associated with said existing media content”.

The Examiner has additionally presented that Novak does not clearly demonstrate “modifying said existing media content with additional media content to produce a media program, wherein said metadata is created previously to said modifying; and editing, at said first geographic location, said previously created metadata associated with said media content, said editing based on said additional media content” (Office Action Page 8 and quoted by Appellant in Brief Page 8).

To supplement the teachings of Novak, the Examiner has relied on Foreman’s teachings of a graphical user interface for producing a video program using planning, capturing, editing, and recording functions (Abstract, Col. 4 Lines 16-33; with further reference to Office Action Pages 8-9 and as quoted by Appellant in Brief Pages 8-9). In particular, the Examiner has previously stated (Office Action Page 9) that at Step 230, a process of editing the previously created metadata (from Step 226) is performed based on additional media content (“description modifies its duration and pointer to reference

the new clip description”, as shown in Fig. 16 and described in Col. 10 Line 65—Col. 11 Line 2; with further reference to Col. 11 Line 3—Col. 12 Line 31). The Examiner notes that the claimed “editing the previously created metadata” is preformed by way of the interface of Figure 9 where “[a]fter clips for a movie have been captured, more finely detailed editing of the video program can be started” (as described in Col. 11 Line 3—Col. 12 Line 31). In particular, Forman discloses that the Interface 56 of Figure 9 allows a user to modify existing media content with additional media content such as transitions between clips (using effects tab Interface 153, as described in Col. 15 Lines 13-39; with further reference to Fig. 10), titles (using titles tab Interface 154, as described in Col. 15 Line 40—Col. 16 Line 7; with further reference to Fig. 11), and sounds such as voice-over commentary (using sound tab Interface 155, as described in Col. 16 Lines 8-27; with further reference to Fig. 12 and Interface 220).

In response to Appellant’s arguments in Brief Page 11 (Point #1), the Examiner is not asserting that Forman teaches the claimed “editing...” clause at Step 226 of Fig. 16, but rather the Examiner is citing this portion of Forman to demonstrate a similar “creating metadata...” step to that taught by Novak (as described above). For example, both Novak and Forman describe similar techniques for creating metadata associated with media content (i.e. a description, a title, a duration, etc.; Novak in Paragraph [0063] and Forman in Col. 10 Line 60-65). Additionally, the Examiner emphasizes that Forman states “[a] clip description is created with a reference to the data file, and start and stop times corresponding to the beginning of the file in step 226” (Col. 10 Lines 61-63).

Although the Examiner is not explicitly relying on Forman to teach the claimed “creating

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metadata...” step, the Examiner notes that, as claimed, a mental association could reasonably exist between the existing media content and the metadata, such that Forman’s teachings of creating a pre-planned outline for each shot prior to bringing in the video would address the claimed step. Nonetheless, the Examiner emphasizes that Novak is cited as teaching “creating metadata associated with existing media content” (as described above).

In response to Appellant’s arguments in Brief Pages 11-12 (Point #2), the Examiner notes that, as summarized above, at Step 230 of Forman, a process of editing the previously created metadata (from Step 226) is performed based on additional media content (“description modifies its duration and pointer to reference the new clip description”, as shown in Fig. 16 and described in Col. 10 Line 65—Col. 11 Line 2; with further reference to Col. 11 Line 3—Col. 12 Line 31). For example, Forman teaches modifying existing metadata, such as titles (using titles tab Interface 154, as described in Col. 15 Line 40—Col. 16 Line 7; with further reference to Fig. 11). As presented above, the title of media content is within the scope of the claimed “metadata” and, once Step 230 of Forman is reached, the pre-planned outline and the video content have been synchronized, therefore the Examiner submits that Forman demonstrates a process of editing previously created metadata.

The Examiner therefore submits that the combination of Novak and Forman does in fact teach the Claim 1, 11, and 21 limitations of “modifying said existing media content with additional media content to produce a media program, wherein said meta

data is created previously to said modifying; and editing, at the first location, said editing based on said additional media content”.

Discussion of the Rejections of Dependent Claims 2, 12, and 22 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

Appellant further presents that the combination of Novak and Foreman does not disclose or suggest at least the limitation of “acquiring prior to said editing, said metadata associated with said media content” because “...as conceded to by the Examiner, Novak does not disclose any modifying of the existing media content” and “...neither Novak nor Foreman disclose any specific action of ‘acquiring’ the metadata prior to its editing” (Brief Page 21; with further reference to Office Action Page 10). The Examiner respectfully disagrees.

It is the Examiner’s position that, when considering the combined teachings of Novak and Foreman, metadata such as Novak’s File Type and Media Object Description would be acquired by the end user when the information is presented in the interface of Figure 7 (as described in Paragraph [0064-0070]). Additionally, as addressed above, Foreman demonstrates the claimed “editing” previously created metadata. Therefore, the Examiner submits that the combination of Novak and Forman teach the limitations of Claim 2, 12, and 22.

Discussion of the Rejections of Dependent Claims 3, 13, and 23 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

No additional arguments (Brief Pages 21-22) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

Discussion of the Rejections of Dependent Claims 4, 14, and 24 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

No additional arguments (Brief Page 22) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

Discussion of the Rejections of Dependent Claims 5, 15, and 25 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

Appellant presents that the combination of Novak and Forman does not disclose or suggest at least the limitation of “updating said acquired metadata associated with media content to reflect at least a portion of changes associated with said modifying” (Brief Pages 22-23; with further reference to Office Action Page 11). The Examiner respectfully disagrees.

It is the Examiner’s position that Novak’s teaching of “obtaining program updates” and “provisioning of the synthetic channel” (as described in Paragraphs [0059, 0083]) address the claim limitations. In particular, Novak discloses that “[t]he EPG 153 is then updated with the latest programming information” (Paragraph [0083]) such that the metadata within the EPG would be updated to reflect changes made to the synthetic channels. Additionally, as addressed above, Foreman demonstrates the claimed

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“editing” previously created metadata and “modified media content”. Therefore, the Examiner submits that the combination of Novak and Forman teach the limitations of Claim 5, 15, and 25.

Discussion of the Rejections of Dependent Claims 6, 16, and 26 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

No additional arguments (Brief Page 24) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

Discussion of the Rejections of Dependent Claims 7, 17, and 27 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

No additional arguments (Brief Page 24) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

Discussion of the Rejections of Dependent Claims 10, 20, and 30 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

Appellant presents that the combination of Novak and Foreman does not disclose or suggest at least the limitation of “synchronizing said modified media content for presentation in said personal television channel” (Brief Pages 24-26; with further reference to Office Action Pages 11-12). The Examiner respectfully disagrees.

It is the Examiner’s position that Novak discloses the synchronization of media content by way of displaying each media program within the EPG as a function of time

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(as described in Paragraph [0072] and as shown in Figs. 8 and 9). Additionally, as addressed above, Foreman demonstrates the claimed “modified media content”.

Therefore, the Examiner submits that the combination of Novak and Forman teach the limitations of Claim 10, 20, and 30.

Discussion of the Rejections of Dependent Claims 32 and 36 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

No additional arguments (Brief Page 26) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

Discussion of the Rejections of Dependent Claim 31 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman.

No additional arguments (Brief Page 26) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

Discussion of the Rejections of Dependent Claims 8, 18, and 28 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman in view of Weber.

No additional arguments (Brief Page 27) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

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Discussion of the Rejections of Dependent Claims 9, 19, and 29 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman in view of Weber.

No additional arguments (Brief Page 27) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

Discussion of the Rejections of Dependent Claims 33, 35, and 37 under 35 USC 103(a) as being unpatentable over Novak in view of Foreman in view of Appellant's admission of fact.

No additional arguments (Brief Pages 27-28) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Patrick A Ryan/
Examiner, Art Unit 2427

Conferees:
/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427

/Jason P Salce/
Primary Examiner, Art Unit 2421